

**NUTLEY BOARD OF EDUCATION  
OPEN PUBLIC MEETING  
MARCH 9, 2009**

The Nutley Board of Education held a Public Meeting on Monday, March 9, 2009 at the Board Conference Room, 315 Franklin Avenue, Nutley, NJ 07110.

President Casale opened the meeting at 7:30 PM.

**CALL TO  
ORDER**

**MEETING NOTICE**

**MEETING  
NOTICE**

President Casale stated that in compliance with Chapter 231, Public Law 1975 entitled Open Public Meetings Act, adequate notice of this meeting had been provided as specified in the Act. Proper notice of this Open Public Meeting was provided in the annual notice of May 12, 2008. Said notice was posted at the entrance of the Board of Education offices, mailed to The Nutley Sun, The Star Ledger, The North Jersey Herald & News and The Nutley Journal and mailed to the Nutley Township Clerk.

This is an official meeting.

**FLAG SALUTE**

**FLAG  
SALUTE**

President Casale led the assembly in the flag salute.

**ROLL CALL**

**ROLL  
CALL**

Present: Mrs. Maria Alamo  
Dr. Philip T. Casale  
Mr. Angelo Frannicola  
Mr. James A. Kuchta  
Mr. Vincent Moscaritola  
Mr. Walter Sautter  
Ms. Patricia Williams

Absent: Mr. Kenneth Reilly  
Mr. Steven Rogers

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mr. Michael DeVita, Business Administrator/ Board Secretary

**EXECUTIVE  
SESSION**

**MOTION TO ADJOURN TO EXECUTIVE SESSION**

At 7:32 PM Trustee Alamo moved, and Trustee Kuchta seconded, the following resolution:

WHEREAS, the Board of Education will be discussing matters exempt from public discussion pursuant to N.J.S.A. 10:4-12,

NOW, THEREFORE, BE IT RESOLVED that the Board of Education recess to Closed Executive Session at this time to discuss the following:

**Superintendent Evaluation**

BE IT FURTHER RESOLVED that the results of the discussions will be made public by inclusion on the agenda of a subsequent meeting of the Board of Education or when the reasons for discussing such matters in closed session no longer exist.

The motion was approved by voice vote.

**RECONVENE MEETING**

**RECONVENE**

At 8:10 PM Trustee Alamo moved, Trustee Kuchta seconded, and the Board unanimously approved by voice vote a motion to reconvene the public meeting.

The meeting reconvened in the JHWMS Choir Room located at 325 Franklin Avenue, Nutley, NJ.

**FLAG SALUTE**

**FLAG  
SALUTE**

President Casale led the assembly in the flag salute.

**ROLL CALL**

**ROLL  
CALL**

Present: Mrs. Maria Alamo  
Mr. Angelo Frannicola  
Mr. James A. Kuchta  
Mr. Vincent Moscaritola  
Mr. Kenneth Reilly  
Mr. Steve Rogers  
Mr. Walter Sautter  
Ms. Patricia Williams  
Dr. Philip T. Casale

Also Present: Mr. Joseph Zarra, Superintendent of Schools  
Mrs. Mariana Francioso, Assistant Superintendent of Schools  
Mr. Michael DeVita, Business Administrator/ Board Secretary  
Mr. Frank Pomaco, Board Attorney  
Mr. Gary Vinci, Board Accountant

**DISCUSSION OF FINDINGS – NJDOE OFFICE OF  
FISCAL ACCOUNTABILITY AND COMPLIANCE**

Mr. Pomaco explained that the purpose of this meeting was for the district to publicly go over the findings of the New Jersey Department of Education Office of Fiscal Accountability and Compliance Report and Corrective Action Plan.

President Casale made a statement regarding Section 5 of the report, which he said was summarized by false allegations that were anonymously made. He stated that there were no wrongdoings on his part. He has his own legal counsel and is involved in an investigation as to where this allegation originated.

Mr. Pomaco clarified Mr. Zarra's lack of knowledge and participation regarding the settlement agreement with Tri-Tech Engineering.

A discussion ensued among the Board whether a breach of ethics occurred.

The Board decided to hand out the preliminary Corrective Action Plan and the OFAC Report and review all six items with the public. Time was allotted to make the necessary copies.

**RECESS MEETING**

**RECESS**

At 8:45 PM upon the suggestion of President Casale, Trustee Williams moved, Trustee Frannicola seconded, and the Board unanimously approved by voice vote a motion to recess.

**RECONVENE MEETING**

**RECONVENE**

At 9:00 PM Trustee Reilly moved, Trustee Frannicola seconded, and the Board unanimously approved by voice vote to reconvene the meeting.

The Corrective Action Plan was handed out to the public. The Board, Administration, Board's Attorney and Board's Accountant went over all six allegations section-by-section and commented on the course of action that should be taken for each recommendation. Suggestions from Mr. Vinci, Mr. Pomaco and Board Members were noted and implemented in the revised Corrective Action Plan.

Questions, answers and explanations ensued among the Board and it was agreed to start moving forward and focus on academic and ensure that a situation like this never happens again.

The revised Corrective Action Plan is going to be posted on the district website.

**HEARING OF CITIZENS (Resolutions Only)**

Several residents spoke about the OFAC Report and expressed their concerns. They wanted to be assured that this would never happen throughout the district again and gave their suggestions.

Mr. Zarra suggested that a safeguard system be implemented with advice from our legal and financial professionals.

**RESOLUTIONS**

Trustee Alamo moved, and Trustee Kuchta seconded, a motion that the Board approves Resolutions numbers 1 through 3 as listed below.

The Resolutions numbers 1 through 3 were unanimously approved by roll call vote.

**SUPT'S  
RESOLUTIONS**

**1. APPROVAL OF TRAVEL LIST**

BE IT RESOLVED that the Board of Education approves the travel list and all expenses per (Appendix A).

**APPROVAL A  
TRAVEL LIST**

**2. APPROVAL OF FIELD TRIPS**

BE IT RESOLVED that the Board of Education approves the field trip list and all expenses per (Appendix B).

**APPROVAL B  
FIELD TRIPS**

**3. RESIGNATION – Building & Grounds Employee**

BE IT RESOLVED that the Board of Education accepts the resignation of John Marone, buildings & grounds employee, effective March 20, 2009.

**RESIGNATION  
B&G EMPLOYEE**

**4. OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE REPORT OF EXAMINATION**

Trustee Reilly moved, and Trustee Kuchta seconded, the following resolution. Upon being put to a roll call vote the resolution was approved.

WHEREAS, an investigator from the Office of Fiscal Accountability and Compliance (OFAC) came to the district in July and August of 2008 to research allegations for building program irregularities.

WHEREAS, allegations and findings from the OFAC were received by the district in February 2009.

**OFAC  
REPORT**

WHEREAS, copies of the examination have been made available to the public.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education accepts the report of examination from the OFAC, Case #1587, which includes the audit recommendations which were read aloud and discussed at the public Board Meeting of March 9, 2009.

BE IT FURTHER RESOLVED that the Board approves the Corrective Action Plan responding to the recommendations of the examination and that a copy of the Corrective Action Plan be submitted, as required, to the State of New Jersey Department of Education OFAC Investigations Unit.

BE IT YET FURTHER RESOLVED that the Board wishes to appeal Recommendation No. 2, as listed in the examination, by filing a written request to the Director of the OFAC.

Trustee Reilly made a motion, Trustee Rogers seconded, that the resolution be amended to add the sentence "The findings of the OFAC audit or investigation and the Board of Education's Corrective Action Plan shall be posted on the district's website." Upon being put to a roll call vote the motion to amend the resolution was approved.

**OFFICE OF FISCAL ACCOUNTABILITY AND  
COMPLIANCE REPORT OF EXAMINATION**

Trustee Reilly moved, and Trustee Kuchta seconded, the following resolution. Upon being put to a roll call vote the resolution was approved.

WHEREAS, an investigator from the Office of Fiscal Accountability and Compliance (OFAC) came to the district in July and August of 2008 to research allegations for building program irregularities.

WHEREAS, allegations and findings from the OFAC were received by the district in February 2009.

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BE IT FURTHER RESOLVED that the Board approves the Corrective Action Plan responding to the recommendations of the examination and that a copy of the Corrective Action Plan be submitted, as required, to the State of New Jersey Department of Education OFAC Investigations Unit.

BE IT YET FURTHER RESOLVED that the Board wishes to appeal Recommendation No. 2, as listed in the examination, by filing a written request to the Director of the OFAC.

ALSO BE IT FURTHER RESOLVED that the findings of the OFAC audit or investigation and the Board of Education's Corrective Action Plan shall be posted on the district's website.

### **HEARING OF CITIZENS**

Several parents spoke positively about the Gifted and Talented Program and the accomplishments the students made in the program. They expressed their concerns that the program might be cut due to an extremely tight budget.

Mr. Zarra stated that this program would have the Budget Committee's complete consideration.

Mrs. Francioso stated that the district is trying to make a commitment to save all the programs in Nutley.

### **MOTION TO MAINTAIN GIFTED & TALENTED**

Trustee Reilly made a motion, and Trustee Kuchta seconded, to maintain the gifted and talented program as it exist. Upon being put to a roll call the motion was unanimously approved by the Board.

Mrs. Francioso stated that because of tenure rights, not all of the same gifted and talented teachers might be in the program next year.

Resident Mike Recchione mentioned that the way in which the motion was presented was a violation of the ethics process and explained his reasons for feeling this way.

Trustee Reilly left at 11:55 PM.

A Resident asked if the gifted and talented program could be extended to the 7<sup>th</sup> and 8<sup>th</sup> grade and also when the Spring Garden School plans for the gym would be available.

Trustee Reilly returned at 12:00 PM.

Resident Gerard Parisi revisited the corrective action plan and asked if there is an insurance policy for the business administrator if certain procedures are not followed on the revised corrective action plan.

Trustee Kuchta left at 12:05 PM.

Trustee Frannicola commended the students on the high school production of The Producers and also mentioned our wrestlers and their accomplishments in Atlantic City.

Trustee Kuchta returned at 12:07 PM.

Trustee Rogers stated that the negativity that is being stated about this district needs to stop and it is hurtful to our children. He asked to put an end to the discussion of Tri-Tech and move forward on items that directly affect our children. He suggested letting the tax payers know exactly where their tax dollars are going and asked for the public to bring out Nutley's best.

Trustee Alamo spoke in support of Mr. Zarra and his hard work and having the best interest for the students of this district.

Resident Gerard Parisi stated that he feels Tri-Tech will continue to be an issue until it is resolved. He questioned the arbitration that took place with Tri-Tech.

**ADJOURNMENT**

**ADJOURN**

There being no further business, the meeting was adjourned at 12:15 PM on a motion by Trustee Kuchta seconded by Trustee Sautter and unanimously approved by voice vote.

Respectfully submitted,



Michael DeVita  
Board Secretary